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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,075	06/07/2002	Frank Poma	10539.4801	3897

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EXAMINER

HORTON, YVONNE MICHELE

ART UNIT PAPER NUMBER

3635

DATE MAILED: 04/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/064,075	POMA ET AL.	
	Examiner	Art Unit	
	Yvonne M. Horton	3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,5,7,8,15-19 and 24-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,4,5,7,8,15-19 and 29-33 is/are allowed.
- 6) ☒ Claim(s) 24 and 28 is/are rejected.
- 7) ☒ Claim(s) 25-27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: there is no support in the specification for the pin in claim 24; however, the specification merely discloses an insert that "may be" operate as a gasket or may function as a plug, page 6, paragraph 28. There is no mention of the insert being a "pin".

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 24 and 28 stand rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #4,669,240 to AMORMINO in view of US Patent #5,491,948 to HARRIS. AMORMINO discloses the method of building a tilt-up panel wall structure including the steps of forming first and second panels (11) including a plurality of reinforcing bars/dowels/extensions (55) that extend from reinforcing bars (17,26); providing a footer (43) including a hole (44) that receive the bar extensions (55); filling the holes (44) with grout, column 5, lines 23-26; placing a insert (57) adjacent to the first and second panels (11); and filling the space (not labeled) therebetween with an appropriate material, column 5, lines 40-51. AMORMINO discloses the basic claimed wall except for the hole being a plurality of holes and except for the panels including chamfered sides. In reference to the plurality of holes, AMORMINO discloses the use

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of an elongated slot. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the single slot/hole of AMORMINO into several or a plurality of holes, since constructing a formerly integral structure in various elements involves only routine skill in the art. HARRIS teaches that it is known in the art to chamfer a side as at (34). Hence, it would have been obvious to one having ordinary skill in the art at the time the invention was made to chamfer a side of the panel of AMORMINO, as taught by HARRIS, in order to make it easier to remove the panel from the form once it is cast and cured. Regarding claim 28, the material used to fill the space (not labeled) in AMORMINO is grout.

Allowable Subject Matter

Claims 1,4,5,7,8,15-19 are allowed, and claims 29-33 remain as being allowed.

Claims 25-27 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 1/26/06 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a ***unitary*** concrete panel) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

Regarding the applicant's argument that the panel of AMORMINO is a layered panel and is not a unitary panel, the examiner agrees to some extent that the panel of AMORMINO is layered laterally or width-wise. However, all of these layers make the final panel of AMORMINO, and it is the final product that is given patentable weight. Further, once the elements that make up the panel of AMORMINO are put together and formed through curing of the concrete, they bind together to form single final member – a concrete panel.

In reference to the applicant's argument that AMORMINO does not teach the use of two unitary panels, as can be seen in figure 2, clearly, AMORMINO discloses several panels (11), which satisfies the claim limitation of two. The applicant is reminded that a reference is allowed to have more than what is actually being claimed.

Regarding the dowels of AMORMINO being "different" from the claimed invention, the claims merely require "a reinforcement bar extension". The claim does not define a reinforcing bar that extends. Thus, the dowel (55) is clearly an extension of the reinforcing bars (17,26).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (571) 272-6845. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


YMH
4/10/06


Jeanette Chapman
Primary Examiner